

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION

IN RE: )  
 )  
ROBERT R. MCGEE, ) CASE NO. 12-21983 JPK  
 ) Chapter 13  
Debtor. )

ORDER CONCERNING APPARENT OBJECTION  
FILED BY LEORA MCGEE

On August 19, 2012, the Clerk received a document under the signature of Leora McGee, dated August 10, 2012, which appears to be an objection to a Motion to Modify the Automatic Stay and Request for Abandonment Because the Plan Proposes to Surrender the Property, filed by Wells Fargo Bank, N.A. on July 30, 2012 as record entry #22. The motion and its notice are in proper form pursuant to N.D.Ind.L.B.R. B-4001-1: the plan of the debtor Robert R. McGee filed as record #9 on May 31, 2012 does in fact surrender the property with respect to the secured claim of Wells Fargo Bank, N.A.

Robert R. McGee is the master of his Chapter 13 plan, and he cannot be compelled to retain this property as property of his bankruptcy estate. As the record now stands, the motion filed by Wells Fargo Bank, N.A. is entirely appropriate. The apparent objection of Leora McGee states no legally cognizable basis in opposition to the motion. The effect of granting the motion will be to merely remove the property from the Chapter 13 bankruptcy estate of Robert R. McGee so that the provisions of the automatic stay of 11 U.S.C. § 362(a) do not apply to it – no action by the creditor with respect to the property other than the foregoing is presaged by its motion.

The court determines that the foregoing apparent objection should be denied.

IT IS ORDERED that the objection is denied.

Dated at Hammond, Indiana on August 27, 2012.

/s/ J. Philip Klingeberger  
J. Philip Klingeberger, Judge  
United States Bankruptcy Court

Distribution:

Debtor, Attorney for Debtor, Trustee, US Trustee, Attorney for Creditor  
Leora McGee, 597 West 77<sup>th</sup> Ave., Merrillville, IN 46410-5774